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Approved For Release 2001/09/03 : CIA-RDP84-00709R000400070143-4

OGC Has Reviewed

30 June 1948

The Director

General Counsel

Statutory Leave for OSO Overseas Employees.

1. Except where maintenance of cover requires special procedures, OSO has followed the policy of treating overseas employees on the same basis as other normal government employees outside of the foreign service. This treatment includes pay, allowances, leave and travel. Standardized Government travel regulations prohibit travel while on leave at government expense. Consequently, employees stationed overseas who want to take leave in the United States have to pay the expenses back here and out again for themselves and families. The undesirability of this situation has long been recognized by Congress in providing for statutory home leave for Foreign Service officers and staff after twenty-four months overseas; in fact, the Foreign Service Act of 1946 makes such leave mandatory.

2. OSO has applied the authority of the Foreign Service Act to State designees in order to maintain cover, but ESO employees have been subject to Standardized Government Travel Regulations. The inequity and inadvisability is obvious. Consequently, a provision similar to the Foreign Service Act statutory leave section was included in the proposed CIA legislation. If passed, it would apply to all CIA employees. The Comptroller General agreed to the need for such authority (subject to a minor amendment with which we were in complete agreement) and both committees in Congress approved the provision without question. No objection was raised when the Senate passed the bill and we are not aware of any objection in the House. Technically, however, we have no legal basis for authorizing statutory leave.

3. OSO now has several cases of ESO employees who have completed their 24 months tour and wish to come home with their families for leave. At personal expense, the cost is prohibitive. Employees could be brought home on temporary duty for reorientation and training with incidental leave, but family travel could not then be at government expense. The alternative is a permanent change of station either on reassignment or for termination, but the employees are wanted at and want to go to the same posts to which they are now assigned. Any other arrangements made in an attempt to conform with Standardized Government Travel Regulations would be mere subterfuges which would be apparent on the record.

4. Forwarded with this paper is a memorandum of a recent discussion with the General Counsel to the Comptroller General. As noted therein, he was specifically informed that certain authorities in the bill might have to be exercised despite the failure of its passage and would, if you determined it to be necessary, be exercised on unvouchered funds, since he would be forced to object if vouchered funds were used. We believe he understood the probable necessity for

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such action, although specific problems were not discussed, and that although unable to give formal approval, he would be inclined to support us in case justification were ever to be required, at least in those cases where the necessity is adequately shown.

5. In view of the above, we feel that a finding by you that home leave at government expense for overseas employees is necessary for the conduct of confidential CIO operations would be justifiable, even without other clear legal basis for such expenditures. If you so find and wish to authorize home leave, we shall assist in drafting an amendment to the Special Funds Regulations, authorizing the ADGO to order CIO employees permanently stationed overseas home

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LAWRENCE R. HOUSTON

Attachment

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